

\*\*E-filed 12/19/06\*\*

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7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,	)	No. CR 05-00727 JF / PVT
	)	
12 Plaintiff,	)	<b>STIPULATION TO CONTINUE</b>
	)	<b>HEARING AND EXCLUDE TIME;</b>
13 v.	)	<b>[PROPOSED] ORDER</b>
	)	
14 SERGIO FIGUEROA-CASTENADA,	)	
	)	
15 Defendant.	)	
16 _____	)	

17 Defendant and the government, through their respective counsel, hereby stipulate that,  
18 subject to the court's approval, the hearing in the above-captioned matter, presently scheduled for  
19 Wednesday, December 20, 2006, be continued to Wednesday, March 21, 2007, at 9:00 a.m.

20 Mr. Figueroa has been engaged in collateral state court proceedings regarding the validity  
21 of convictions that resulted in his deportation. Those proceedings are almost complete. Mr.  
22 Figueroa's state court attorney, Alex Reisman, Esq., has informed the defense that his traverse is  
23 due February 7, 2007, which he considers to be a firm deadline. After his traverse is filed, the  
24 trial court will have 30 days to issue a ruling on the petition. Accordingly, a final decision is  
25 expected by mid-March.

26 The parties further agree that time should be excluded under the Speedy Trial Act because

1 the defense requires time for effective preparation and investigation, and the ends of justice  
2 outweigh the defendant's and the public's need for a speedy trial.

3  
4 Dated: 12/18/2006

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/s/  
LARA S. VINNARD  
Assistant Federal Public Defender

5  
6 Dated: 12/18/06

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/s/  
SUSAN KNIGHT  
Assistant United States Attorney

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8  
9 **ORDER**

10 The parties have jointly requested a continuance of the hearing set for December 20,  
11 2006, to allow time for resolution of petitions filed in state court by Mr. Figueroa's attorney  
12 regarding the validity of convictions that resulted in his deportation. The defense expects that the  
13 state matter should be resolved by mid-March.

14 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date  
15 presently set for December 20, 2006, be continued to March 21, 2006, at 9:00 a.m.

16 Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time  
17 from December 20, 2006, to March 21, 2006, shall be excluded from the period of time within  
18 which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.

19 Dated: 12/19/06

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JEREMY FOGEL  
United States District Judge